

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED
for Danville
MAR 23 2005
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

MICHAEL D. CANADA,) CASE NO. 4:03CV00063
Plaintiff)
v.) REPORT AND RECOMMENDATION
JO ANNE B. BARNHART) By: B. Waugh Crigler
Commissioner of Social Security,) U. S. Magistrate Judge
Defendant)

The undersigned having conferred with the parties' counsel and being informed that they have reached an agreement for the disposition of the instant judicial review of a decision by the Commission which denied plaintiff's claim for Social Security benefits, it is

R E C O M M E N D E D

that an Order enter REMANDING this action to the Commissioner under Sentence 6 of 42 U.S.C. § 405(g) for further proceedings and DIRECTING that the Appeals Council conduct a supplemental review of the claim within sixty (60) days of the court's Order of Remand.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not

specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


Judge

3-23-05
Date